

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**  
**Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500**

**MOTION INFORMATION STATEMENT**

Docket Number(s): 18-125(L); 18-331 (XAP)

Caption [use short title]

Motion for: Extension of Time to File Brief  
in Reply to NLRB's Brief (Dkt. #61)

Bozzuto's Inc. v. National Labor Relations Board

Set forth below precise, complete statement of relief sought:

Bozzuto's requests an extension of time of 10 days

from September 4, 2018 to September 14, 2018

to file a brief in reply to the NLRB's principal brief (Dkt. #61)

MOVING PARTY: Bozzuto's Inc.

☐ Plaintiff

☐ Defendant

☒ Appellant/Petitioner

☐ Appellee/Respondent

OPPOSING PARTY: National Labor Relations Board

MOVING ATTORNEY: Sheldon D. Myers

[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: David Seid

Kainen, Escalera & McHale, P.C.

National Labor Relations Board

21 Oak Street, Suite 601, Hartford, CT 06106

1015 Half Street, SE, Washington, DC 20570

Tel: 860-493-0870; E-mail: smyers@kemlaw.com

Tel: 202-273-2941; E-mail: dseid@nlrb.gov

Court-Judge/Agency appealed from: The National Labor Relations Board

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):



Yes

☐ No

(explain):

Opposing counsel's position on motion:



Unopposed

☐ Opposed

☐ Don't Know

Does opposing counsel intend to file a response:



Yes

☒ No

☐ Don't Know

**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:**

Has request for relief been made below?



Yes



No

Has this relief been previously sought in this Court?



Yes



No

Requested return date and explanation of emergency:

Is oral argument on motion requested?



Yes



No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?



Yes



No

If yes, enter date:

Signature of Moving Attorney:

Sheldon D. Myers /s/

Date: 08/30/18

Service by: ☒ CM/ECF



Other [Attach proof of service]



review and respond to Bozzuto's position in support of the Petition for Review, and Bozzuto's should not be limited to the current 14 day time period to review and respond to the NLRB's position in support of its Cross-Application for Enforcement, which it only received less than 10 days ago. Due to the undersigned counsel's work schedule commitments (including the preparation and filing of a motion to dismiss in a federal court matter in the District of Connecticut, the preparation and filing of a reply to an opposition to summary judgment in another federal court matter in the District of Connecticut, and preparation for and travel to two out-of-state depositions in an arbitration), the undersigned counsel is not able to reasonably prepare a reply brief within the current deadline. Further, granting the instant Motion seeking a limited ten-day extension of time would not adversely impact the NLRB or the Court in any manner whatsoever, in that: (1) this matter has not been set down for oral argument and is not otherwise time-sensitive; and (2) the NLRB has no objection to the granting of this Motion.

WHEREFORE, Bozzuto's respectfully requests that the Second Circuit grant the instant Motion for Extension of Time allowing Bozzuto's until September 14, 2018 to file its reply to the NLRB's principal Brief.



**CERTIFICATION OF SERVICE**

In accordance with Fed. R. App P. 25 and Local Rule 25.1, I hereby certify that on August 30, 2018: (a) the foregoing document was filed with the Second Circuit through the CM/ECF system; (b) Respondent's counsel has filed an appearance and is a registered CM/ECF user in this case and service of the foregoing document will be made through the CM/ECF system; and that (c) a courtesy copy of the foregoing document has been sent via e-mail to Respondent's counsel: Linda Dreeben (appellatecourt@nlrb.gov), Julie Brock Broido (julie.broido@nlrb.gov) and David A Seid (dseid@nlrb.gov).

/s/  
Sheldon D. Myers, ct13581

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